

REMARKS

Applicant respectfully requests reconsideration of this application in light of the remarks made herein. Claims 2-21 are allowable. Claim 22 stands rejected under § 103(a) as being obvious over U.S. Patent No. 5,442,500 to Hidano et al. (hereinafter referred to as "Hidano") in view of U.S. Patent No. 5,818,723 to Dimitri (hereinafter referred to as "Dimitri").

Rejections Under 35 U.S.C. § 103

Claim 22 stands rejected under § 103(a) as being unpatentable over Hidano in view of Dimitri.

Independent claim 22 describes a magazine-based data cartridge library that features "a drive bay assembly for accommodating said drive, said drive bay assembly comprising a first open side exposed to said cartridge transport device, a second open side exposed to a space that is operator accessible and a passageway extending between said first and second open sides" (emphasis added). Neither Hidano nor Dimitri teach or suggest a first open side that is exposed to a cartridge transport device and a second open side that is exposed to an operator accessible space with a passageway extending therebetween as does Applicant. This fact is further supported by the Examiner's admission in both the current Office Action and the Office Action of January 9, 2006 wherein (under the *Allowable Subject Matter* section) the Examiner writes using bold text,

"The following is a statement of reasons for the indication of allowable subject matter:

- With regard to claims 2 and 18, as the closest reference of record, the combination of Hidano et al (US 5,442,500) and Dimitri (5,818,723) discloses a magazine-based data cartridge library, as claimed in claim 1 further includes drive bay assembly comprising; a housing structure that defines a first open side which is exposed to the cartridge transport device, **but fails to show: a second open side which is exposed to a space that is operator accessible, and a passageway extending between the first and second open sides;...**"

Because Hidano and Dimitri fail to disclose, teach or suggest all of the elements of claim 22, Applicant respectfully submits that claim 22 is allowable.

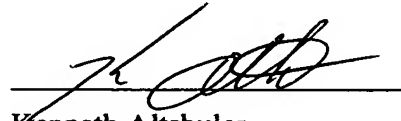
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Authorization To Charge Necessary Fees

The Commissioner is hereby authorized to charge any additional necessary fees associated with this submission, or credit any overpayment, to Deposit Account No. 50-0289.

Respectfully submitted,

Dated: 8/17/06


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